

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARYL J. PENNING,

Defendant.

8:20-CR-32

**ADOPTION OF MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION
ON PLEA OF GUILTY**

This matter is before the Court on the Magistrate Judge's Findings and Recommendation on Plea of Guilty ([Filing 43](#)) recommending that the Court accept Defendant's plea of guilty. There are no objections to the findings and recommendation. Pursuant to [28 U.S.C. § 636\(b\)\(1\)\(C\)](#) and [NECrimR 11.2\(d\)](#), the Court has conducted a de novo review of the record and adopts the Findings and Recommendation of the Magistrate Judge.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation ([Filing 43](#)) is adopted;
2. The defendant is found guilty. The plea is accepted. The Court finds that the plea of guilty is knowing, intelligent, and voluntary, and that a factual basis exists for the plea;
3. The Court defers acceptance of any plea agreement until it has reviewed the presentence report, pursuant to [Fed. R. Crim. P. 11\(c\)\(3\)](#); and
4. This case shall proceed to sentencing.

Dated this 28th day of January, 2021.

BY THE COURT:



Brian C. Buescher
United States District Judge